



**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

EARL VENNINGS JR.,
Plaintiff,

vs.

RYAN HARRIS SIGAL, Esquire, and
AMELIA LEEKE, Esquire,
Defendants.

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CIVIL ACTION 2:19-2544-MGL-MGB

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND DISMISSING PLAINTIFF'S ACTION WITH PREJUDICE
AND WITHOUT ISSUANCE AND SERVICE OF PROCESS**

Plaintiff Earl Vennings Jr. (Vennings) filed this *Bivens* action complaining Defendants Ryan Harris Sigal and Amelia Leeke (Defendants) violated his civil rights. He is self represented.

The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting the action be dismissed with prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on October 10, 2019, and Vennings filed his objections on October 21, 2019. The Court has reviewed the objections, but holds them to be without merit. It will therefore enter judgment accordingly.

Defendants are attorneys in private practice who represented Vennings in a civil personal injury matter. As the Magistrate Judge stated, a *Bivens* action allows people to sue federal officials in certain limited scenarios. Report 2. Because Defendants are not federal officials, Vennings's complaint should be dismissed. *Id.* at 2-3.

In Vennings' objections, he continues to argue Defendants violated his civil rights. But, this is an insufficient basis to allow the case to go forward. Therefore, the Court will overrule his objections.

The Magistrate Judge has already allowed Vennings to amend his complaint to cure the deficiencies in it. But, his amendments failed to do so. Because further amendment to the complaint would not cure the complaint's defects, the Court will dismiss the case with prejudice. *See Goode v. Cent. Va. Legal Aid Soc'y, Inc.*, 807 F.3d 619, 628 (4th Cir. 2015).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court this action is **DISMISSED WITH PREJUDICE** and without issuance and service of process.

IT IS SO ORDERED.

Signed this 31st day of October, 2019, in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE

NOTICE OF RIGHT TO APPEAL

Vennings is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.